



DAC

26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

HORIKOSHI ET AL.

Serial No. 09/625,762

Filed: 26 JULY 2000

For: **METHOD AND COMPUTER
FOR REMOTE COMMUNICATION
WHILE OPERATING IN A POWER-
SAVING MODE**

§ Attorney Docket No. JA919990082US1

§
§
§
§
§
§
§
§
§
§
§

Examiner: **J. CONTEE**

Art Unit: 2686

RECEIVED

OCT 07 2004

OFFICE OF PETITIONS

**PETITION TO REVIVE UNAVOIDABLY
ABANDONED APPLICATION UNDER 37 CFR §1.137(a)**

MAIL STOP PETITION
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The above-referenced Application was abandoned for failing to reply to the final Office Action dated October 23, 2003. Applicants hereby petition for the revival of the above-referenced patent application, which was unavoidably abandoned as demonstrated by the facts set forth below.

**CERTIFICATE OF MAILING
37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the below-listed date with sufficient postage as first-class mail in an envelope addressed to: Box Petitions, Commissioner for Patents, Alexandria, VA 22313-1450.

Date: 10/1/04

By: Vichy D. Lipowsky

Applicants had reviewed their records and noted that a Response to the Final Official Action of October 23, 2003, was timely filed on October 29, 2003. Attached hereto is a copy of the Return Postcard indicating that it was received by the U.S. Patent and Trademark Office on November 3, 2003.

On May 6, 2004, Applicants received an Advisory Action dated April 29, 2004, which was more than six months from the date of the Final Office Action. The delay may have been caused by a change in Examiners. Thus, the entire delay in filing the required reply from the due date until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. Applicants respectfully request the revival of the present Application.

In addition, Applicants had filed a Notice of Appeal along with an Appeal Brief in response to the Examiner's Advisory Action. Hence, Applicants also respectfully request that the above-mentioned Appeal Brief be forwarded to the Board of Patent Appeals and Interferences.

Enclosed is a check in the amount of \$110.00 for the petition fee set forth in 37 C.F.R. §1.17(l). No additional fee is deemed necessary; however, if an additional fee is necessary for the continued prosecution of this application, please charge the fee to **IBM Corporation Deposit Account No. 50-0563**.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
DILLON & YUDELL LLP
8911 N. Capital of Texas Hwy., Suite 2110
Austin, Texas 78759
(512) 472-7800

ATTORNEY FOR APPLICANTS



RECEIVED

OCT 07 2004

OFFICE OF PETITIONS

REC'D B & P NOV 07 2003

Received in the U.S.P.T.O.

In re Application of: **HORIKOSHI ET AL.**

Title: **METHOD AND COMPUTER FOR REMOTE
COMMUNICATION WHILE OPERATING IN A POWER-SAVING
MODE**

Attorney Docket: **JA919990082US1**

ENCLOSED HEREWITH:

1. AMENDMENT (7p.)
2. POSTCARD OF RECEIPT

IBM CORPORATION

Our File No. 0252AD-044355

Date Mailed: 10/29/03

APN/cdn

